## APPENDIX A.

**Excerpts from the defendant-respondent's advertising literature (R-I, 507-519) showing the "full capacity" nature of the positive-displacement pump of the "Rock-Crushers," and reproduction of one of the advertisements (R-I, 507).**

"A *new feature* in an electric gun, is the helix arm and worm inside the lubricant tank, which *pulls the lubricant into the booster chamber, assuring positive prime and elimination of air pocket trouble.*" (R-I, 507.)

"Worm action also *eliminates air pockets.*"* (R-I, 509.)

"The lubricant is pulled down to the booster chamber by means of a worm." (R-I, 513.)

"It is not necessary to use a great deal of care in loading this gun *to avoid air pockets,* because the helix arm 'K' and the worm 'L' *force the air out of the lubricant before the lubricant is pulled down to the booster chamber.*" (R-I, 513.)

"*Air pockets* are rare in this gun because of the *worm action.*" (R-I, 515.)

"*Air pockets* develop *only* when gun is filled initially or when gun runs empty." (R-I, 519.)

"Delivers approximately *9½ ounces* of fibrous lubricants *per minute.*" (R-I, 507.)

"The control valve is designed to give *either a small delivery* of lubricant at a time *or a continuous flow.*** If only a single small shot of lubricant is desired depress the control lever 'R', Fig. 3, down to the first noticeable stop. *A measured shot of lubricant is then delivered.*" (R-I, 513, 517.)

---

* Elimination of air pockets assures the operation of the pump at full capacity.

** Baldner patent (R-II, 683) states that it is an object of the invention "to insure uniform and *continuous* discharge."

# ALEMITE ELECTRICALLY OPERATED POWERGUNS

## HEAVY DUTY ELECTRICALLY OPERATED POWERGUN

"THE ROCK CRUSHER"

Models 6520 and 6524

Plaintiff's Exhibit 94

Model 6524

This heavy pound capacity Alemite Powergun is powered by a heavy duty Universal Motor that operates on either A. C. or D. C. current.

The RL-40 (Model 6524 or 6520) develops approximately 5000 pounds lubricant pressure, more than enough to open "frozen" bearings. Delivers approximately 3½ ounces of fibrous lubricant per minute.

A new feature is an electric gun, in the bolts arm and worm inside the lubricant tank, which pulls the lubricant into the booster chamber, assuring positive prime and elimination of "pocket" trouble. This feature (only available in Alemite "Rock Crushers") also permits volume delivery of heavy fibrous lubricants.

The RL-40 is equipped with either a 3 wheel platform (large wheels as illustrated) (Model 6530) or hard rubber casters (Model 6530). A convenient handle which permits this gun to be moved about easily is provided. The handle acts as a combination electric cord and lubricant hose rack, making this unit compact, neat and convenient.

The RL-40 is unexcelled for economical and efficient performance in the lubrication of trucks, buses and machines requiring a mixture of fibrous lubricant.

**SPECIFICATIONS—6530 and 6524**

Lubricant Delivery (Fibrous Lubricant through 10-foot Hose)—Capacity—3½ ounces per minute.

Lubricants Handled—Fibrous, Viscous and Plastic Lubricants easily handled.

Lubricant Capacity—40 pounds.

Pressure Developed—5000 pounds per square inch.

Overall Dimensions—6530—Height 31½ inches, Width 19 inches, Length 39½ inches.

6524—Height 30 inches, Width 24½ inches, Length 35½ inches.

Weight 6530—Net Weight 157 pounds. Shipping Weight 204 pounds.

6524—Net Weight 300 pounds. Shipping Weight 313 pounds.

Equipment—10-foot Volume Hose with Control Valve, Hydraulic Coupling, Push Type Nozzle, Pin Type Adapter, Fan Belted, and 15-foot Electric Cord.

Color—Maroon.

**FEATURES OF THE RL-40**

1. Greater efficiency.
2. Longer life.
3. Operates on either A. C. or D. C. current.
4. Economical and efficient.
5. Volume delivery of fibrous lubricant.
6. Compact and convenient.
7. Portability with ease.
8. Equipped with "one hand" controlled delivery hydraulic valve.
9. Positive prime.

**PRICES**

Model 6524—(Illustrated) Electric "Rock Crusher" Complete with Hose (Large Wheels)..... Net Price $250.00

Model 6530—Electric "Rock Crusher" Complete with Hose (Small Hard Rubber Casters)..... Net Price $50.00

## APPENDIX B.

### Quotations from the Record Showing the Withdrawal in Open Court of the Charge of "Paper Patent."

"Mr. Krost: Q. Tell us what actual physical steps you took thereafter with the invention. Just tell us what you did, where you went, and who you talked to?

A. In order to manufacture this device and place it on the market I had to obtain a license from the Alemite Corporation for the Gullborg pin type couplers and Zerk and Alemite push-type fittings, or otherwise I would be infringing on their patents, even though I had a patent on this device.

Q. Why was it necessary to use an Alemite coupler called the Gullborg-Zerk Coupler?

A. The Bassick Manufacturing Company had a patent monopoly on the couplers which were attached on the end of the hose of the grease gun as well as the attachment on the fittings of the automobile and if I would manufacture a coupling that would fit on those, the fittings of an automobile, I would be infringing on their patent. They had sued several parties on that ground and I was afraid to manufacture it without a license from them.

Q. Did you manufacture and sell the machine—

A. No, sir.

Q. (Continuing.) —in accordance to the new inventions?

A. No, sir.

Q. Why did you not?

Mr. Williams: I think I will object to that as being incompetent.

Mr. Krost: If your Honor please, Mr. Williams made a statement here that this invention had never been put into commercial practice, and it had not been—

Mr. Williams: All right, *I will withdraw it.*

Mr. Krost: We want to show why it was not.

Q. Why haven't you, will you state why you haven't manufactured and sold machines embodying the invention?

A. I was unable to obtain a license from the time it was invented until the present time from the Alemite Corporation for their two couplers which dominated this particular field." (R-I, 35-36.)

"Mr. Krost: I proposed to sh w that the Wayne Company entered into an option, arrangements with Mr. Clapp, by which they were to take a license to manufacture and sell under it and that by reason of their failure to obtain a license to use these Alemite couplers, as was necessary, they failed to exercise the option at the end of the option period, and that was the reason that this device has not been commercially exploited.

The Court: Very well. Go ahead.

Mr. Williams: Well, I think I could agree that that occurred. Mr. Geyer took up with me and our company the matter of getting a license through Mr. Byron, I believe. I don't doubt that it is all as you say. I am willing to *agree* with it." (R-I, 86.)